

NEEDHAM PLANNING BOARD MINUTES

February 9, 2010

The regular meeting of the Planning Board held in the Performance Center at the Eliot School, was called to order by Jeanne McKnight, Chairman, on Tuesday, February 9, 2010 at 7:30 p.m. with Messrs. Warner, Ruth, Eisenhut and Jacobs as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearings

7:30 p.m. – Amendment to Major Project Site Plan Review No. 2002-02: Finitumus Associates Limited Partnership, c/o Petrini Corporation, 187 Rosemary Street, Needham, Massachusetts, Petitioner (Property located at 464 Hillside Avenue, Needham, MA).

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: to waive the reading of the public hearing notice.

Roy Cramer, representative for the applicant, noted in 2001 they got a permit for a 46,000 square foot office building. It was amended in 2003 to increase the parking from 156 to 166 and again in 2004 to change approximately 7,500 square feet of general office to medical office. The parking requirement is 176 and they have a waiver of 10 spaces. They have a suite of general office space and need a waiver of 5 spaces. They have a substantial amount of vacant spaces. Ms. McKnight noted the following correspondence for the record: a memo from the Board of Health with no comment, a memo from Lt. Kraemer, of the Police Department noting no safety concerns; a memo from Paul Buckley, of the Fire Department, with no comments or objections and a memo from Tony DelGaizo, of the DPW, with no comments or objections. Mr. Cramer noted this is a self contained suite on the second floor. Mr. Ruth asked about handicap spaces. Bob Hentschel, of the Petrini Corporation, noted they have 6 spaces now and it seems to be adequate. Mr. Ruth asked what percentage of the building was occupied when the survey was done. Mr. Hentschel stated this is only the vacant space.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to close the hearing.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to request the Planning Director draft a decision that grants a Special Permit for Major Project Site Plan, incorporating the existing conditions, and allow a waiver to the parking requirement for review at the next meeting.

Request for extension of 708 South Street Subdivision and updated bond amount.

Roy Cramer, representative for the applicant, noted they approved the subdivision in 2007. They are asking for a 2-year extension through February 12, 2012. Some lots are not sold yet and they would like an additional 2 years. Ms. McKnight noted a letter from Tony DelGaizo stating the current bond of \$67,000 is sufficient to cover through February 12, 2012. Ms. Newman stated they are holding an additional \$21,000 for off-street drainage. With the \$67,000 for road improvements, they have a total of \$88,000.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to grant the requested extension through February 12, 2012.

Deminimus Change: Major Project Site Plan Review No. 2009-04: Danversbank, One Conant Street, Danvers, Massachusetts, Petitioner (Property located at 827-835 Highland Avenue, Needham, MA).

Mr. Ruth recused himself from this hearing. Roy Cramer, representative for the applicant, noted they received a decision September 1, 2009 to construct. They filed plans and are trying to get a building permit. They wanted to change the floor plan in the final plan. There is no change in square footage. They would like approval for the revised floor plan. There are minor changes to the north and south elevations. On the north, they reduced the size of

the glass curtain wall and on the south, they increased the size of the glass curtain wall and door. There are no other changes. The Design Review Board has approved the changes. There is no change in use or density of use. Mr. Eisenhut noted it has been done in the past, and he will support it, but they need to develop some criteria.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Eisenhut, it was by the four members present unanimously:
VOTED: to grant the relief requested in the form of the decision in front of the Board tonight and eliminate the reference to Mr. Ruth participating.

Mr. Ruth returned to the meeting.

8:00 p.m. – Charles River Street Definitive Subdivision: Richard J. Gaffey, Trustee, 634 Charles River Street Realty Trust, 420 Lakeside Avenue, Marlborough, MA, Petitioner (Property located at Map 305, Lot 23, off of Charles River Street, Needham, MA). Note: This public hearing will be continued until March 2, 2010 at 8:00 p.m. in the Charles River Room in Public Services Administration Building).

Ms. McKnight noted this hearing is to be continued to March 2, 2010. Roy Cramer, representative for the applicant, noted the plans are being revised and he will meet with Tony DelGaizo to make sure the changes are consistent with what he wants. They hope to have this done next week. He will let Ms. Newman know as soon as the plans are available.

Upon a motion made by Mr. Warner, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to continue the hearing to March 2, 2010.

Deminimus Change: Major Project Site Plan Review No. 2009-05: 1095 LLC d/b/a Comella's Restaurants, c/o 288 Washington Street, Wellesley, Massachusetts, Petitioner (Property located at 1095 Great Plain Avenue, Needham, MA).

George Giunta Jr., representative for the applicant, noted the windows were cost prohibitive so they need fixed windows rather than open windows. Mr. Warner asked if they would be thermal windows and was informed they would be. Mr. Ruth asked if the window on Great Plain Avenue is the same and was informed it is. Ms. McKnight noted the following correspondence for the record: a memo stating Mr. Comella has obtained 3 Town of Needham parking permits. Ms. Newman noted it has been approved by the Design Review Board. Mr. Warner asked where people park with the permits. Mr. Comella stated there are 4 designated lots around town.

Upon a motion made by Mr. Warner, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to grant the requested relief pursuant to the decision.

Request to authorize the Planning Director to authorize the Permanent Occupancy Permit: Major Project Site Plan Special Permit No. 2009-05: 1095 LLC d/b/a Comella's Restaurants, c/o 288 Washington Street, Wellesley, Massachusetts, Petitioner (Property located at 1095 Great Plain Avenue, Needham, MA).

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to authorize Ms. Newman to authorize a permanent Certificate of Occupancy when she has sufficient information in front of her.

Request to authorize the Planning Director to authorize the Permanent Occupancy Permit: Amendment to Major Project Site Plan Special Permit No. 1991-07: Gibbous Moon Inc., d/b/a The Center Cafe Needham, P.O. Box 723, Natick, Massachusetts 01760, Petitioner (Property located at 1027 Great Plain Avenue, Needham, MA).

Ms. Newman noted they want to occupy the restaurant. The dumpster was to be put in a wooden enclosure. The DPW will go look at it. She wants authorization to approve once the DPW is satisfied.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to authorize the Planning Director to issue a permanent Certificate of Occupancy once the DPW is satisfied.

Plan Endorsement: Major Project Site Plan Special Permit No. 2009-06: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner (Property located at 1471 Highland Avenue, Needham, MA).

Ms. Newman noted this is the Town Hall project. There is a note on the plan regarding the 16 parking spaces. The drawings are the same. She would like authorization to approve when she has the 81X plan and detail on the routes for trucks as Town Hall is being constructed.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to authorize the Planning Director to take care of the plan endorsement.

Zoning Article Referral from Board of Selectmen.

Ms. McKnight noted the Selectmen have referred to them the zoning change for the New England Business Center. Ms. Newman noted they will be having a hearing, approve submitting an article to the Board of Selectmen, then it will be referred back to the Planning Board for a public hearing. Mr. Jacobs noted the January 27 letter of referral. He clarified the second bullet is not something the Board is taking up on March 15. Ms. Newman confirmed that and noted it is not a zoning article they are taking up. She stated there is a study going forward on traffic. There is no answer as to the impact on taxes yet. They may need an additional hearing in March.

Discuss April and May 2010 Meeting Dates.

The March meeting dates will be March 2 and 15. They will have an extra one on March 30 if needed. The meetings in April will be April 6 and 20. They decided to hold on May but have one before Town Meeting on May 3. Mr. Warner invited all to a nature walk on May 2 around Rosemary Lake. Ms. McKnight asked what is going on with the appointment of a committee for the zoning proposals for the Central Avenue area.

Report from the Planning Director.

Ms. Newman noted she had a conversation with Lisa Stanley of the Conservation Commission. There is a restrictive easement being taken on Charles River Road. They want to place restrictions on the parcel, then it will be divided to 2 lots. The conservation easement restriction will be co-signed by the state. She asked if it was appropriate to accept an ANR without an easement shown on the plan. Mr. Eisenhut asked if there could be a note on the plan. Ms. Newman noted one lot is non-buildable with no frontage on the way. The other lot will have frontage on the way. Ms. McKnight clarified the conservation restriction covers all of 4B. Mr. Eisenhut stated they should put "subject to conservation easement on ANR" on the plan. Mr. Warner agrees. He is concerned they get tax relief but they give no access to the public. Mr. Jacobs noted they should send a letter to the Conservation Commission they would appreciate consideration of public access. He feels consideration should be given. Ms. McKnight asked Ms. Newman to draft a letter for review at the next meeting.

Mr. Ruth noted they should develop circumstances when they do not request a traffic study. Mr. McQuillan's concern is correct but they should develop some criteria that under some circumstances they will not require a parking study. Mr. Eisenhut commented he thinks informal hearings are good and save them some time. Ms. Newman noted Treat Cupcake and Reservoir Street were not efficient. Mr. Ruth stated applicants should talk with the Planning Director and hash out what they want. Ms. Newman noted she could have a conversation and report back to the Board to see if they are on the same page. Mr. Eisenhut noted she should discuss with Mr. Cramer that sometimes an informal hearing is not necessary. Ms. Newman can create some thresholds for parking studies.

Minutes

Ms. McKnight noted on page one of the October 6 minutes, last paragraph, change the word "original" to "elevation."

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to approve the minutes of October 6, 2009 with change discussed.

Ms. McKnight noted on page one of the October 20 minutes, after "They should limit" they should add "liability to \$100,000."

Upon a motion made by Mr. Ruth, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: to approve the minutes of October 20, 2009 with change discussed.

Mr. Ruth noted on page 2 of the November 2 minutes, 2nd paragraph, change "missions of the campus" to "vision for the campus."

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by four of the five members present (Mr. Eisenhut abstained):

VOTED: to approve the minutes of November 2, 2009 with the change discussed.

Ms. McKnight noted on page one of the November 17 minutes, second hearing, change "The hearing is closed so..." to "The hearing is closed and..." On page 3, first paragraph, omit the sentence "Mr. Warner commented he feels we have a "Walsh" hurdle..."

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to approve the minutes of November 17, 2009 with the changes discussed.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:

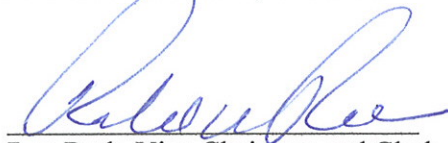
VOTED: to approve the minutes of December 1, 2009.

Ms. McKnight passed out copies of a handout on green communities her firm has prepared.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:

VOTED: to adjourn the meeting at 9:07 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Ron Ruth, Vice-Chairman and Clerk